

1 Plaintiffs Jeffrey Molnar, Wesley Thornton, Aileen Martinez, Chiquita Bell, Teyia
 2 Bolden and Antoinette Stansberry (“Plaintiffs”) and Defendant NCO Financial Systems,
 3 Inc. (“NCO” or “Defendant”) (collectively, the “Parties”), by and through their counsel
 4 of record, respectfully move this Court for an Order continuing the deadline to participate
 5 in the Court’s informal dispute resolution procedure and/or file a joint statement for
 6 determination of discovery dispute regarding Defendant’s responses to Plaintiffs’
 7 discovery requests.

8 WHEREAS, on July 25, 2014, Plaintiffs served Requests for Production of
 9 Documents to Defendant NCO Financial Systems, Inc. Set Four and Interrogatories on
 10 behalf of Plaintiff’s Thornton, Martinez, Bell, Bolden and Stansberry via electric service.

11 WHEREAS, on August 28, 2014, Defendant served its Responses to Plaintiff’s
 12 Request for Production of Documents, Set Four and Plaintiff’s Interrogatories on behalf
 13 of Plaintiff’s Thornton, Martinez, Bell, Bolden and Stansberry via electric service.

14 WHEREAS, on September 10, 2014, the Parties arranged for a meet and confer to
 15 discuss Defendant’s responses to Plaintiffs’ discovery **RFPs 43, 44, 94 – 137.**

16 WHEREAS, on September 11, 2014, a formal in-person meet and confer
 17 conference was held at the Law Offices of Ronald A. Marron. Plaintiffs’ counsel Alexis
 18 Wood and Kas Gallucci and Defendant’s counsel Damien Richard attended in person.
 19 Out of town Plaintiffs’ counsel, J. Dominick Larry and out of town Defendant’s counsel,
 20 Michael Slodov and James Schultz attended via telephonic conference.

21 WHEREAS, NCO objected to Plaintiffs’ requests on the grounds of undue burden
 22 by asserting that during the time frame at issue, the number of accounts placed with NCO
 23 for collection was in excess of 100 million accounts, and as NCO’s call volume exceeded
 24 15-20 million calls per month on average, the requests called for NCO to search through
 25 and identify calls and produce information relating to roughly between 720 million and
 26 1.14 billion calls.

27 WHEREAS, during the meet and confer the Parties discussed a Sampling Protocol
 28 in which Defendant would produce a statistically significant sample of Defendant’s

1 accounts in response to Plaintiffs' Request for Production of Document Nos. 43, 44 and
2 94-137. The Parties believe a Sampling Protocol would diminish the need for Plaintiffs
3 to seek the Court's intervention in compelling Defendant to produce all responsive
4 documents to those Requests.

5 WHEREAS, on Tuesday September 23, 2014, Plaintiff proposed a Sampling
6 Protocol involving a sample size of 1100 NCO accounts. NCO is expected to evaluate
7 the proposed Sampling Protocol to assess its feasibility on September 30, 2014, and will
8 advise Plaintiff how long the Sampling will take to complete. The Parties expect to reach
9 a consensus regarding the feasibility of any such Sampling—i.e., whether or not (and if
10 so, on what terms) a Sampling is feasible—no later than October 3, 2014.

11 WHEREAS, the Parties jointly request that the Court continue the deadline to
12 bring a discovery dispute to the Court's attention by 63 days. The Parties' jointly called
13 the Court on Friday, September 26, 2014, to inform the Court of the Parties' request.

14 WHEREAS, should the Parties need additional time to resolve any dispute related
15 to discovery and/or the Sampling Protocol, the Parties agree to promptly inform the
16 Court.

17 WHEREAS, Plaintiffs were ordered to provide supplemental responses to NCO's
18 discovery directed to the Plaintiffs by September 23, 2014, ECF No. 104.

19 WHEREAS, on September 23, 2014, Plaintiffs provided their supplemental
20 responses.

21 WHEREAS, on September 24, 2014, counsel for NCO requested a meet and
22 confer regarding the sufficiency of Plaintiffs' supplemental responses.

23 WHEREAS, on September 26, 2014, a formal in-person meet and confer
24 conference was held at the Law Offices of Sessions, Fishman, Nathan and Israel.
25 Plaintiffs' counsel Alexis Wood, Kas Gallucci and Doug Campion attended and
26 Defendant's counsel Damien Richard attended in person. Out of town Plaintiffs'
27 counsel, J. Dominick Larry and out of town Defendant's counsel, Michael Slodov
28 attended via telephonic conference.

1 WHEREAS, Plaintiffs' counsel represented that they would produce the
2 documents identified in their supplemental responses, and would respond or provide
3 amended supplemental responses to interrogatory no. 2 (with additional identifying
4 information), Interrogatory no. 3 (regarding communications with NCO) and concerning
5 damages as required by par. 3 of the order [Dkt. No. 104], all by October 3, 2014.

6 GOOD CAUSE exists to grant the Parties' joint request as the Parties are diligently
7 working to informally resolve their discovery dispute with a sampling protocol which
8 will save the Parties substantial time and money and will also preserve judicial economy.
9 The Parties believe 63 days should allow the Parties enough time to resolve any
10 outstanding discovery dispute, but will promptly notify the Court should additional time
11 be needed.

12 THEREFORE, the Parties jointly move the Court for an order extending the
13 deadline to participate in court's informal dispute resolution procedure and/or file a joint
14 statement for determination of discovery dispute regarding defendant's responses to
15 Plaintiffs' discovery until Monday, December 1, 2014, and as to Plaintiff's responses to
16 the Court's order [Dkt. No. 104], by October 10, 2014.

17
18 DATED: September 29, 2014

Respectfully submitted,

19 By:
20

Ronald A. Marron

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DATED: September 29, 2014 SESSIONS FISHMAN, NATHAN & ISRAEL, L.L.C.

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Mr. Slodov, counsel for Defendant, and that I have obtained Mr. Slodov approval for his electronic signature to this document.

Dated: September 29, 2014 By: Ronald A. Marron
RONALD A. MARRON
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